

REMARKS

Applicants traverse the outstanding rejections and respectfully request reconsideration of the claims a in light of the above amendment.

An abstract has been added as requested by the Examiner. Likewise, the specification has been amended in conformance with the Examiners requirement. Applicants respectfully thank the Examiner for the kind suggestions.

Claim Objections:

The objections to claims 7, 13, 18, 19 and 20 are rendered moot in view of the above presented amendment. and 19 The objections to claim 18 and 19 are rendered mot in light of the cancellation of these claims.

Rejection of claims 7, 13, 14 and 16-20 under Section 112, first paragraph:

With respect to the outstanding rejections of claims s7, 13, 14, and 16-20 under section 112, first paragraph, Applicants note the following.

Claim 7 has been amend to specify that the isolated nucleic acid molecule encoding each of the proteins of SEQ ID NOs.: 4 and 5 is as set forth in SEQ ID NO:3.

Likewise, claims 18 and 19 have been canceled and replaced by new claims 21 and 22, which specify that the amino acid sequence as set forth in , for example, SEQ ID NO.: 4 is encoded by the nucleic acid molecule comprising the nucleotide sequence as set forth in SEQ ID NO:3. The same holds true for new claim 22. Support for the above is evident from the specification and is in accord with the Examiner's own admission that the specification enables, inter alia, SEQ ID NOs.: 3, 4 and 5 at a minimum.

With respect to claim 20, Applicants respectfully disagree with the Examiners assertion that the claim is broader in scope that the disclosure and that it fails to comply with the written description requirement of section 112, first paragraph. Specifically, Applicants have specifically shown and disclosed in the application conception and reduction to practice of an isolated nucleic acid molecule of SEQ ID NO: 3. Applicants respectfully submit that it would not constitute undue experimentation for one skilled in the art to deduce the nucleotide sequence of any and all degenerate nucleotide sequences corresponding to SEQ ID NO:3. Consequently, applicants are entitled to include the phrase "comprising" and respectfully decline the Examiner's invitation to restrict the claims to "consisting of". Indeed, there is no basis for the Examiner to request said limitation. The law does not give the Examiner the right to limit the

disclosure as the Examiner sees fit. There must be some objective criteria supporting said suggestion.

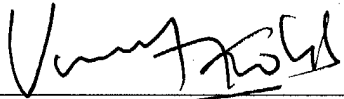
It is believed that all points raised by the Examiner have been attended to and in light of the above requested amendment, it is requested that the rejection be withdrawn.

If the Examiner believes that a telephone conference would be of value, she is requested to call the undersigned counsel at the number listed below.

In view of the foregoing, the application is now believed to be in proper form for allowance and a notice to that effect is earnestly solicited.

The Commissioner is authorized to charge deposit account 13-2755 for the petition fee and any other fee(s) required to effect this Conditional Petition.

Respectfully submitted,

By   
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